

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ECF Case

HUGHES CONTRACTING INDUSTRIES, INC.,

Civil Action No. 08 CIV 10075 (LBS)

Plaintiff,

-against-

**DEFENDANTS'
LOCAL RULE 56.1
STATEMENT OF UNDISPUTED
MATERIAL FACTS**

RELiance CONSTRUCTION OF CANADA
a/k/a Construction Reliance du Canada ltee;
RELiance CONSTRUCTION, LTD d/b/a
RCG GROUP, also known as RCG
CONSTRUCTION GROUP; and
STEVEN KAPLAN,

Defendants.

Defendants, by their attorneys, Greenberg, Trager & Herbst, LLP, hereby submit their statement of undisputed material facts pursuant to Local Rule 56.1

1. Plaintiff Hughes Contracting Industries, Inc. ("plaintiff Hughes Contracting") commenced this action against defendants by the filing of the summons and complaint on November 19, 2008 (see copy of summons and complaint annexed hereto as Exhibit A).

2. Defendants served and filed an answer with affirmative defenses to the complaint on December 16, 2008 (see copy of answer annexed hereto as Exhibit B).

3. Plaintiff Hughes Contracting is "a New York Corporation...with its principal place of business located at 391 Saw Mill River Road, Yonkers, New York" (see complaint, Exhibit A, paragraph 1).

5. The complaint (Exhibit A, paragraph 6) alleges that this Court has jurisdiction over this case for the following reason:

This Court's jurisdiction is based on 28 USC 1332, to wit, the plaintiff and the defendants are citizens and reside or maintain offices in different states.

6. Contrary to the jurisdictional allegation of plaintiff Hughes Contracting, at the time this action was commenced (November 19, 2008), RCG's principal place of business was located at 145 Palisade Street, Dobbs Ferry, New York 10522 [see affidavit of Paul A. Steenson submitted in support of motion ("Steenson affidavit"), paragraphs 8 to 20 and exhibits referenced therein].

7. At the time this action was commenced (November 19, 2008), both plaintiff Hughes Contracting (a New York corporation with its principal place of business in New York) and defendant RCG (a Delaware corporation with its principal place of business in New York) were citizens of the State of New York (see plaintiff Hughes Contracting's Complaint, Exhibit A, paragraph 1, and Steenson affidavit, paragraphs 8 to 20 and exhibits referenced therein).

Dated: New York, New York
April 20, 2009

GREENBERG, TRAGER & HERBST, LLP
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By: 

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